

## **REMARKS**

The Office Action dated September 12, 2006 has been given careful consideration by the applicant. Reconsideration and/or reexamination of the application is hereby respectfully requested by the applicant.

### **The Office Action**

The Examiner rejected claim 1 based on 35 U.S.C. §112, 2<sup>nd</sup> paragraph.

The Examiner rejected claims 1-2, 4-7, 9-15, 17-20 and 22 under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002/0132608 to Shinohara.

The Examiner rejected claim 3 under 35 U.S.C. §103 as being unpatentable over Shinohara in view of U.S. Patent No. 5,442,390 to Hooper et al.

The Examiner rejected claims 8, 16 and 21 under 35 U.S.C. §103 as being unpatentable over Shinohara in view of U.S. Publication No. 2001/0044325 to Cox et al.

### **The Claims Patentably Distinguish Over the Cited Art**

The Examiner rejected claims 1-2, 4-7, 9-15, 17-20 and 22 as being anticipated by Shinohara. However, independent claims 1, 10 and 18 are not so anticipated and, thus, all claims dependent thereon are not so anticipated as will be detailed below.

More specifically, independent claims 1, 10 and 18 recite that the system determines a delivery preference for the second mobile station. No such delivery preference is taught in the Shinohara publication. In Shinohara, the user is able to confirm delivery of video either to a phone or a necessary external device dependent on video format, or reject the video data. Shinohara does not teach delivery of the preferences as disclosed and claimed in the present application. Specifically, Shinohara does not teach that the delivery preference includes a rejection of the video data, immediate delivery of the video data or delayed delivery of the video data. Likewise, Shinohara does not teach that a response from the mobile station comprises at least one of a rejection of the video data, a request for immediate delivery of the video data, or a request for delayed delivery of the video data. This feature provides a variety of advantageous options to the user, according to the presently described embodiments. The same type of delivery preference is simply not taught in Shinohara.

Therefore, independent claims 1, 10 and 18 are not anticipated by Shinohara. Likewise, all claims dependent thereon are not anticipated by Shinohara.

The Examiner also rejected claim 3 as being unpatentable over Shinohara and Hooper. The Examiner's position is that while Shinohara does not teach a storage module that is a first-in, first-out nature, Hooper does so. However, Hooper relates to a video on-demand system and does not fairly teach a system that would allow for transmission of video to mobile stations. Therefore, Shinohara and Hooper are not combinable, so claim 3 is allowable for at least that reason.

In any event, claim 3 depends from claim 1. Because Hooper does not cure the deficiencies of Shinohara with respect to independent claim 1, claim 3 is submitted to be allowable.

The Examiner also rejected claims 8, 16 and 21 as being unpatentable over Shinohara and Cox. The Examiner's position is that Shinohara does not teach an announcement module that provides a signal to the first mobile station that delivery will be blocked if the call recognition module does not validate the second mobile station but Cox does so. However, Cox relates to telephone call management system and method. Cox does not fairly teach the integration of video data in a wireless phone system. Therefore, Cox and Shinohara are not combinable, so these claims are not rendered obvious.

In any event, dependent claims 8, 16 and 21 depend from independent claims 10 and/or 18, respectively. Therefore, because Cox does not cure the deficiencies of Shinohara, dependent claims 8, 16 and 21 are submitted to be allowable.

### **Non-Art Rejections**

The Examiner rejected claim 1 for its recitation of "the prompt module." In response, claim 1 has been amended. As such, the rejection is submitted to be overcome.

### CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-5 and 7-22) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

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Date


  
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